

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DEFENDANT'S RESPONSE TO COURT'S ORDER OF DECEMBER 15, 2006

Pursuant to the order of this Court dated December 15, 2006, Defendant, Cesar Cruz, by and through counsel, has conferred with the government on its response to Defendant's Motion to dismiss Indictments against the Defendant.

Defendant's counsel, after conversation with Assistant United States Attorney Andrew Lelling, and understanding that the dismissal is not sought in order to harass the Defendant and that the government does not intend to re-indict this matter, does not object to the Court's endorsement of the Government's Request for Dismissal. Counsel for the Defendant has conferred with his client and advised the client of all of the rights which he possesses and the consequences of the proposed dismissal. The client has consented to same.

THE DEFENDANT
CESAR CRUZ

/s/ Joseph A. Franco, Esq.
By His Attorney
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on December 18, 2006.

/s/ Joseph A. Franco, Esq.

Joseph A. Franco, Esq.